United Nations A/HRC/31/NGO/66*

General Assembly

Distr.: General
19 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement** submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* Reissued for technical reasons on 8 March 2016.
** This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02536(E)

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Freedom of Expression in Sri Lanka (January 2015-Present)[1]

During the conflict in Sri Lanka human rights defenders' freedom of expression was subject to systematic interferences by the Government, resulting in widespread violations, including numerous enforced disappearances. The new Government, which came into power in January 2015, has pledged to address these issues.[2]

To date, certain progress has been made. A number of exiled journalists have been invited to return (however one was then arrested on return[3]), banned websites have been unblocked and travel bans have been lifted.[4] However, previous violations have not been addressed. Sri Lanka retains an embedded culture of impunity, the effects of which are particularly prominent in the Tamil-majority North and East of the country.[5] This persistent impunity, together with a pervasive military presence contributes to a pronounced chilling effect.

Since January 2015 various forms of low-level harassment and intimidation have persisted despite the relative decrease in killings and disappearances. Although the methods differ from those previously adopted, these actions continue to have a chilling effect that is designed to restrict unfavorable reporting and prevent transparency. As such they interfere with the right to freedom of expression. These issues are compounded by the current legislative framework which provides justification for systematic interference with freedom of expression.[6]

New trends in suppression of freedom of expression

The right to freedom of expression has been subjected to longstanding interference in Sri Lanka.

While white van abductions, disappearances, and arbitrary detentions were the principal methods utilized to suppress freedom of expression in the past,[7] these have been supplanted to some extent by different forms of harassment. Under the current Government journalists have been physically attacked, including attempted knife attacks.[8] They have been stopped from reporting, summoned for questioning without translators, and arrested and detained.[9] Human rights defenders have been further restricted from having contact with national and international media.[10] The targeting of media personnel now includes individuals such as newspaper and leaflet distributors.[11] These measures contribute to the

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[1] The Human Rights Centre Clinic at the University of Essex undertook research and analysis in preparation of this submission. The Sri Lanka Campaign for Peace and Justice assisted with the editorial process. The International Movement Against All Forms of Discrimination and Racism (IMADR) has made the submission.

[2] Human Rights Council, Resolution '*Promoting reconciliation, accountability and human rights in Sri Lanka*' (September 2015) A/HRC/30/L.29, para. 6

[3] JDS Lanka, *Exiled Tami journalist arrested in Sri Lanka,* (2015 January). Retrieved from http://www.jdslanka.org/index.php/news-features/media/583-tamil-journalist-in-exile-arrested-on-arrival-in-sri-lanka [accessed 1 February 2016]

[4] Foreign and Commonwealth Office, United Kingdom, '*Corporate Report Sri Lanka - in-year*' (2015, July). Retrieved from https://www.gov.uk/government/publications/sri-lanka-in-year-update-july-2015/sri-lanka-in-year-update-july-2015 [accessed 1 February 2016]https://www.gov.uk/government/publications/sri-lanka-in-year-update-july-2015/sri-lanka-in-year-update-july-2015

[5] Ibid, above note 1; Sri Lanka Campaign, '*The OHCHR investigation on Sri Lanka: A Media Guide*' (2015, September), pp. 7

[6] Kishali Pinto-Jayawardena, '*Sri Lanka politics, law and the media: Ghosts of governments past*', Column Sri Lanka Guardian (2015, November 13). Retrieved from http://www.slguardian.org/2015/11/sri-lanka-politics-law-and-the-media-ghosts-of-governments-past/ [accessed 1 February 2016]http://www.slguardian.org/2015/11/sri-lanka-politics-law-and-the-media-ghosts-of-governments-past/

[7] According to sources, white-van abductions are still taking place. '*North CM claims white van abductions continued.*' (2015, December 10). Retrieved from http://colombogazette.com/2015/12/10/north-cm-claims-white-van-abductions-continued/ [accessed 1 February 2016]; International Truth and Justice Project Sri Lanka, '*Silenced: survivors of torture and sexual violence in 2011*', January 2016, pp. 11

[8] '*SRI LANKA: A call for prompt investigations into threats to lives of three journalists in Jaffna.*' (2015, April 2014). Retrieved from http://www.lankasocialistsforum.org/?p=159 [accessed 1 February 2016]

[9] INFORM, '*Report: Repression of Dissent in Sri Lanka*', July - September 2015

[10] Ibid, June 2015, pp. 3

[11] Ibid, January - April 2015, pp. 3

creation of an atmosphere of fear and intimidation resulting in a chilling effect that hinders media workers' right to freedom of expression.

Failure to investigate past violations

The new Government, despite its promises, has failed to investigate violations perpetrated by the former regime, including those which targeted journalists and involved cases of disappearances.[12] This violates the State's obligation to promptly investigate attacks.[13]

Thus impunity continues under the current Government. In a high profile incident in May 2015, a social worker and human rights defender was murdered.[14] To-date, this incident has not been investigated, sending a clear message to human rights defenders. Ongoing measures of intimidation, coupled with impunity and ostensible Government acquiescence, create an environment of fear and a chilling atmosphere.

Pending law reforms

The main legal basis used by the Government to justify systematic interference with freedom of expression has been the 1978 Prevention of Terrorism Act (PTA) which allows police 'to search, arrest and detain'[15] individuals without warrant, for a period up to 18 months.[16] These overly broad powers do not meet the requirements of the admissible restrictions of the International Covenant on Civil and Political Rights (ICCPR).[17] Restrictions should be narrow and are only admissible when they are provided by law, have a legitimate aim such as public order, and are both necessary and proportionate.

A number of proposed legislative measures develop the PTA and address freedom of expression. A proposed Right to Information Bill has the potential to start a new era for the media by providing an independent information commission that includes civil society and media representatives. However, despite long-term negotiations in 2015, the Government has so far been reluctant to adopt the Bill.[18]

Other elements of proposed legislation contained controversial elements. A prominent example was the proposed Bill on hate speech – thankfully subsequently withdrawn. Tabled as an amendment to the Penal Code, the proposed definition of hate speech was similar to that in the PTA and would allow arbitrary arrest on that basis. Thus, the adoption of this law would have nullified the effect of the promised repeal of the PTA.[19]

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[12] On January 24th 2010 Sri Lankan journalist and cartoonist Prageeth Eknaligoda went missing. Before his 'disappearance', Prageeth wrote a comparison of the two candidates, coming out in favor of the opposition. Amnesty International is concerned that he may have been taken because he criticised the government. Amnesty International, Youth Group Action, '*Campaign: Who is at Risk / Where is Prageeth?*' (2013, September). Retrieved from http://www.amnesty.org.uk/sites/default/files/prageeth-final_0.pdf [accessed 1 February 2016]

[13] Human Rights Council, General Comment No. 34: Art. 19: Freedom of opinion and expression, para. 45

[14] The victim was a leading social activist, who had confronted the previous administration of the Murukan temple, where corruption prevailed with the backing of civil administrative officers appointed by the occupying Sri Lankan State. '*Mathisayan's killing evokes fear among social activists in Batticaloa.*' (2015, June 02). Retrieved from http://thamizharsenai.blogspot.co.uk/2015_06_01_archive.htmlhttp://thamizharsenai.blogspot.co.uk/2015_06_01_archive.html [accessed 1 February 2016]http://thamizharsenai.blogspot.co.uk/2015_06_01_archive.html

[15] Parliament of the Democratic Socialist Republic of Sri Lanka, '*Prevention of Terrorism (Temporary Provisions) Act No. 48*' of 1979, art. 6

[16] Home Office, Government of United Kingdom, '*Country Information and Guidance, Sri Lanka: Journalists, media professionals and human rights activists*', September 2015, pp. 18

[17] Human Rights Council, General Comment No. 34: Art. 19: Freedom of opinion and expression, para. 26; Human Rights Watch Report, '*Human Rights Accountability in Sri Lanka*' (1992), pp. 39

[18] '*Sri Lanka: Right to Information law must be submitted.*' (2015, December 14). Retrieved from https://www.article19.org/resources.php/resource/38220/en/sri-lanka:-right-to-information-law-must-be-adopted [accessed 1 February 2016]https://www.article19.org/resources.php/resource/38220/en/sri-lanka:-right-to-information-law-must-be-adopted

[19] Human Rights Commission of Sri Lanka, Letter to Prime Minister of Sri Lanka, '*Proposed Amendment to the Penal Code on Hate Speech*' (2015, December 15)

In July 2015 the government announced the revival of the Press Council,[20] an institution that has in the past been used to sanction journalists and prohibit the publication of "false" information about the government.[21] Thus, like several previous administrations, the new Government could use the Council as a tool to coerce media.

Non-compliance with international standards

As a signatory of the ICCPR Sri Lanka has the obligation to respect and protect freedom of expression.[22] A free press is essential to ensure the proper functioning of democratic society by providing information of public interest and performing the vital role of a 'public watchdog'.[23] Journalists play an essential role in ensuring realization of the principles of transparency and accountability which are, in turn, essential for the promotion of human rights.[24] Thus, Sri Lanka as a State Party should encourage and create the enabling environment for an independent media across the ethnic spectrum.[25] The harassment of journalists interferes with the right to freedom of expression.

Recommendations

The new Government promised change and the promotion of human rights. However, although the methods used to target journalists and suppress expression have changed, the effects remain the same. Widespread intimidation and harassment, coupled with impunity for historical and contemporary violations, contribute to a pronounced chilling effect, hindering journalists' right to freedom of expression.

In light of above, the Sri Lankan Government is urged:

- To repeal the PTA and halt the revival of the Press Council;
- To adopt the Right to Information Bill;

The Sri Lanka Campaign for Peace and Justice, an NGO without consultative status, also shares the views expressed in this statement.

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[20] The Sri Lanka Press Council Act No.5 (1973)
[21] Ibid, art. 16.5
[22] UN General Assembly, '*International Covenant on Civil and Political Rights*', 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171., art. 19 Retrieved from: http://www.refworld.org/docid/3ae6b3aa0.html [accessed 5 February 2016]
[23] *Pedersen and Baadsgaard v Denmark*, ECHR, 2004, para. 71
[24] Human Rights Council, General Comment No. 34: Art. 19: Freedom of opinion and expression, para. 3
[25] Ibid., paras. 13 - 14

United Nations A/HRC/31/NGO/67

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Death Sentences and Civil Society in Saudi Arabia

Executions in Saudi Arabia

Americans for Democracy & Human Rights in Bahrain would like to use the occasion of the 31st Session of the Human Rights Council to express our serious concern at the Kingdom of Saudi Arabia's increased use of the death penalty and continued targeting of human rights defenders. Throughout 2015, the government continued its arrest, imprisonment, and sentencing of numerous human rights activists. In 2015, Saudi Arabia executed more than 150 people—the highest in a single year since 1995.

On 2 January 2016, the Government of Saudi Arabia carried out a mass execution of 47 people. Among those executed included at least three political dissidents, several mentally ill prisoners, prisoners arrested for crimes committed as minors, and the Muslim cleric and human rights activist Sheikh Nimr Baqir al-Nimr.

Sheikh Nimr was a popular social and religious leader who denounced systematic discrimination against Saudi Arabia's minorities and called for activists to use nonviolent resistance to achieve justice and equality for all Saudi citizens. Beginning in 2011, he became a figurehead of Saudi Arabia's protest movement in the Eastern Province. On 8 July 2012, Saudi officials violently arrested Sheikh Nimr, who suffered multiple gunshot wounds in the course of the arrest. Authorities tried him before the Specialized Criminal Court, Saudi Arabia's court tasked with prosecuting crimes related to terrorism, on a number of charges related to his peaceful calls for reform. During the proceedings, the judge often failed to notify Sheikh Nimr's defense team of hearings or notified the defense team only one day in advance. The court also denied the defense team the opportunity to question eyewitnesses. On 15 October 2014, a Saudi judge sentenced Sheikh Nimr to death for disobeying the ruler, inciting sectarian strife, and encouraging demonstrations. The Supreme Court declined to hear an appeal.

Saudi Arabia has frequently sentenced people to death for their activism and nonviolent crimes. Ali al-Nimr, Dawood Hussein al-Marhoon, and Abdullah Hasan al-Zaher sit on death row for crimes they reportedly committed as minors. Security forces arrested Ali al-Nimr in February 2012 for his participation in popular demonstrations, when he was 17 years old. Officials held him in detention for months and reportedly tortured Ali in order to coerce a confession, before taking him before a judge. Prison staff prevented Ali's lawyer from visiting him, or helping him prepare a defense both before and during his trial. In May 2014, the Specialized Criminal Court sentenced Ali to death. Similarly, security forces arrested Dawood Hussein al-Marhoon and Abdullah Hasan al-Zaher in spring 2012 for their roles in Eastern Province protests, when they were 17 and 15 years old, respectively. Officials denied them access to a lawyer during interrogations and reportedly tortured them into confessing. The Specialized Criminal Court sentenced both men to death in October 2014. The government could execute all three men at any time.

In November 2015, a Saudi court sentenced Palestinian poet Ashraf Fayadh to death for apostasy based on a number of his poems. Saudi officials originally arrested Fayadh in August 2013 after an acquaintance reported him to the religious police. Though he was released without charge, authorities rearrested him in January 2014 and accused him of blasphemy and illicit relationships with women. After a series of appeals, on 2 February 2016, the government reduced Fayadh's death sentence to eight years in prison and eight hundred lashes.

As Ashraf Fayadh's and Ali al-Nimr's cases demonstrate, the Government of Saudi Arabia continues to allow the use of the death penalty against those convicted of crimes committed as minors and those convicted of nonviolent crimes. Trial judges have wide discretion in determining whether a defendant qualifies as a child by arbitrarily assessing whether the defendant is showing physical signs of puberty at the time of the trial. Children have been sentenced to death for crimes committed when they were as young as 13 years old. Nonviolent offenses that warrant the death penalty in Saudi Arabia include adultery, apostasy, drug-related offenses, witchcraft, and sorcery. Saudi Arabia's judiciary remains highly opaque, particularly in the capital cases, rendering it difficult to tell whether defendants could properly present a defense. Defendants in these cases rarely have access to full legal representation.

Saudi Arabia's increasing use of the death penalty represents a troubling pattern. Each year since 2012, Saudi Arabia has executed at least 75 people. In 2014, the government executed 90 people. In 2015, Saudi authorities carried out 158 executions, the highest amount of executions in a single year since 1995. One month into 2016, the Saudi government

has already executed at least 53 people. The execution of Sheikh Nimr further suggests a worrisome willingness by the Saudi government to execute nonviolent activists and political dissenters.

Civil Society in Saudi Arabia

Throughout 2015, the Saudi government continued to target human rights activists and close off space for civil society actors. Currently, there are no independent civil society organizations operating in Saudi Arabia, and human rights organizations cannot obtain legal recognition due to the lack of a formalized law of associations. In past years, the government commonly arrested and charged members of human rights organizations with "forming an unlicensed organization." In fall 2015, the government released the text of a long-awaited law for civil associations and organizations. The new law contains a stringent regulatory process for civil society organizations that only allows for government-sanctioned non-governmental organizations. Pursuant to the law, the Minister of Social Affairs and Islamic Affairs possess the authority to determine what constitutes "allowable" activities for organizations. The law further allows ministry officials to deny licenses to new organizations if officials decide that their activities contradict the Sharia, public order, public morals, or national unity. This wording enables the government to prohibit the creation of any organization that might express criticism of the kingdom, maintaining its de facto ban on independent human rights organizations.

On 12 January 2016, Saudi authorities arrested prominent human rights defender Samar Badawi. The week before her arrest, authorities summoned her for questioning about activity on the Twitter account of her former husband, imprisoned human rights lawyer Waleed Abu al-Khair. Authorities released Badawi a day after her arrest. The Government of Saudi Arabia has targeted Badawi numerous times in the past. In December 2014, Ministry of Interior officials blocked her from boarding a plane to attend the EU Forum on Human Rights in Brussels and informed her that she had been banned from traveling. International human rights organizations maintain that the ban stemmed from her participation in the 27th Session of the UN Human Rights Council in September 2014, where she spoke critically and publicly about human rights violations in Saudi Arabia.

Over the course of the year, Saudi authorities continued to target founding members of the Saudi Civil and Political Rights Association (ACPRA). Saudi human rights defenders founded ACPRA in 2009 to campaign for political reform and advocate for the rights of political prisoners and detainees in the Kingdom. ACPRA operated as an unlicensed human rights organization until the government ordered its closure in 2013. Since March 2011, Saudi authorities have conducted a campaign to arrest, prosecute, and imprison many of the founding members of ACPRA. On 19 October 2015, the Specialized Criminal Court sentenced founding members Dr. Abdulkareem al-Khoder and Dr. Abdulrahman al-Hamid to ten years in prison and a ten-year travel ban and nine years in prison, a nine-year travel ban, and a USD 13,330 fine, respectively. By the end of 2015, Saudi courts had sentenced nine out of eleven of ACPRA's founding members to prison terms.

Mohammed al-Qahtani, another of ACPRA's founding members, continues to suffer from mistreatment while serving his prison term. Saudi authorities have reportedly held him in a smokers' ward in prison, despite his smoke allergy. Since his imprisonment in March 2013, he has lost more than 25 kilograms of body weight. Prior to his arrest, al-Qahtani had been a standard bearer of the Saudi human rights community. He assisted unjustly held detainees in submitting cases to the Board of Grievance and spoke out publicly to raise concerns about the human rights situation in Saudi Arabia. Al-Qahtani is currently serving a ten-year prison sentence for his involvement in human rights advocacy.

The Kingdom of Saudi Arabia has not taken any meaningful steps toward curbing its use of the death penalty or improving the environment for human rights defenders in the country. We ask that the international community call on Saudi Arabia to impose a moratorium on all executions, with a view towards abolition. We further urge the Government of Saudi Arabia to allow human rights defenders to freely and legally operate openly and independently without fear of intimidation or reprisal. We hope that the international community's renewed pressure will encourage the Saudi government to curb its irresponsible use of the death penalty and to provide protections to civil society actors.

United Nations A/HRC/31/NGO/68

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Alsalam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02396(E)

Please recycle

Bahrain: Abusing Anti-Terror Legislation & Increased Death Sentences

Alsalam Foundation, in coordination with Americans for Democracy & Human Rights in Bahrain (ADHRB), the Bahrain Institute for Rights and Democracy (BIRD), the Bahrain Center for Human Rights (BCHR), and the European Center for Democracy and Human Rights would like to take the occasion of the 31st Session of the Human Rights Council to discuss the ongoing assault on freedom of expression and assembly in the Kingdom of Bahrain. Over the past year, the Government of Bahrain has increased its efforts to criminalize dissent and silence opposition voices. These marked deteriorations seem to mirror long standing policies of neighboring Saudi Arabia—a state with a history of exporting its repressive policies. We call on States to condemn this troubling pattern and to pressure the Kingdom of Bahrain begin upholding international standards of human rights.

Bahrain's Anti-Terror Laws

Since the government's violent suppression of the peaceful protest movement in 2011, the status of human rights in Bahrain has steadily deteriorated. Bahraini authorities increasingly utilize vague legislation–including anti-terrorism laws—to suppress political dissidents, human rights defenders, and journalists. In 2015, the Bahraini government targeted activists through legal and extralegal mechanisms, most notably the revocation of citizenship, increased use of death sentences, and systematic violations of international fair trials standards.

In 2014, the Bahraini government made two amendments to existing legislation, introducing greater ambiguity into the laws. The Bahraini government amended Law 58 of 2006, "Protecting Society from Terrorism Act," in 2013, 2014 & 2015. The law now allows the detention of suspects for up to 28 days without any charge and extends the possible pre-trial detention period to seven months, thus violating the rights of detainees to a fair and speedy trial. These new provisions enable Bahraini authorities to justify prolonged pre-trial detention under national law, even as they remain in violation of international standards.

Article 10 of the 1963 Bahraini Citizenship Act as amended now allows officials to revoke the nationality of anyone who "harms the interests of the Kingdom." Bahraini courts have the ability to revoke nationality for a number of other arbitrary reasons, including defaming the image of the regime, forming or joining a terrorist group, or defaming "brotherly countries". In practice, this means the government can strip Bahrainis of citizenship for any critical or dissenting speech, ranging from tweets and blog posts to opinion pieces.

In 2015, the Government of Bahrain stripped 208 Bahrainis of their nationality. In a single case on 31 January 2015, the government revoked the nationality of 72 Bahrainis by ministerial order. Among those who lost their citizenship were Sayed Ahmed Alwadaei, Director of Advocacy at the Bahrain Institute for Rights & Democracy; Dr. Ali Al-Dariri, founder of the online news site *Bahrain Mirror*; Abbas Busafwan, a journalist; Masoud Jahromi, a university professor; and Shaikh Hasan Sultan, a former opposition member of the National Assembly. Mixed with these civil society and political opposition members were twenty persons affiliated with the Islamic State and al-Qaeda, thereby equating in human rights defenders, academics, and activists with violent extremists. Throughout ten more cases in 2015, criminal courts used the anti-terror law to strip Bahrainis of their citizenship, including 11 individuals under the age of 18. In November 2015, the government revoked the citizenship of 13 individuals based on terrorism charges, including the award-winning photojournalist Sayed Ahmed al-Mousawi, who also received a ten-year prison sentence.

Death Sentences in Bahrain

The number of detainees on death row in Bahrain increased by more than 75 percent in 2015. Eight individuals are currently on death row, most of which were convicted as a result of false confessions extracted under torture. In 2014, a Bahraini criminal court sentenced Mohammed Ramadan and Husain Ali Moosa to death for their alleged involvement in a February 2014 bomb explosion. Bahraini authorities tortured both men to coerce a confession. On 16 November 2015, the Court of Cassation upheld both their sentences, despite Ramadan and Moosa recanting their confessions and reiterating that they had confessed under torture. Similar to the cases of Ramadan and Moosa, many death penalty cases lack hard evidence linking the individuals to the crimes for which they were prosecuted. Criminal courts regularly dismiss the defense's arguments and obstruct defendants' access to an attorney, further contributing to due process

violations in Bahrain's judicial process. Bahrain's utilization of the death penalty is in breach of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded in 2006.

Alsalam Foundation, along with ADHRB, BIRD, BCHR, and ECDHR is concerned with a wider trend of Bahraini repressive policies and laws which are increasingly aligned with those of Saudi Arabia. Criminalizing free speech and suppressing freedom of assembly through broadly-framed legislation, such as the anti-terrorism law and the Bahraini Citizenship Act, broadly undercut the fundamental human rights of all Bahrainis. Due process violations, death penalty sentences, and denaturalization are growing trends in Bahrain and are in breach of universal human rights and freedoms.

Recommendations

The Kingdom of Bahrain has not made substantive progress towards improving its record on human rights. Indeed, the government of Bahrain has only progressed in further eroding the status of human rights in the kingdom. We therefore call on the international community to publicly condemn these growing human rights violations, specifically the increased revocation of citizenship, death sentences, and continued judicial violations. It is only through renewed and sustained international pressure that Bahrain will begin to take meaningful steps toward addressing its human rights abuses.

On the occasion of the 31st Session of the Human Rights Council, ADHRB, BIRD, BCHR and ECDHR call upon states to:

- Urge the Bahraini government to restore Bahraini citizenship to all persons whose citizenship was revoked without due process
- Encourage the Kingdom of Bahrain to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness
- Conduct independent investigations into the systemic human rights abuses in Bahrain, including those relating to the use of torture, enforced disappearance, and arbitrary detention;
- Call on the Office of the Ombudsman of the Ministry of Interior and the Bahrain National Institute for Human Rights to correct past failings, reassess the independence of current staff, and fully engage their mandates with a view towards supporting substantive human rights protections and reforms;
- Call on Bahrain to investigate all allegations of torture made by persons sentenced to death, and to dismiss any and all convictions made on the basis of confessions obtained under conditions of torture; and
- Urge Bahrain to re-impose a moratorium on the death penalty with a view towards total abolition.

United Nations A/HRC/31/NGO/69

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
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Written statement* submitted by Iraqi Development Organization, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02397(E)

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Ongoing Systematic Rights Violations Against the People in Yemen

IDO, together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, express our utmost concern over the Kingdom of Saudi Arabia and its Coalition's (the "Saudi-led Coalition's") **a)** ongoing serious and systematic violations of rights in Yemen, including political, economic, human, and humanitarian rights. These ongoing and systematic violations come in the form of: **i)** airstrikes on civilian targets that include the use of internationally banned cluster munitions and **ii)** a comprehensive indiscriminate land, air, and sea blockade. We also express our deep concern with the Saudi-led Coalition's **b)** continued lack of cooperation with the United Nations (UN). The Saudi-led Coalition, along with Abd Rabbuh Mansur Hadi's Yemeni government in exile, does not cooperate with the UN. This has been observed in their: **i)** designation of the OHCHR representative as persona non grata; **ii)** non-observance and non-implementation of recommendations made in the Universal Periodic Review (UPR); and **iii)** the inability of Hadi's exiled government's national commission to investigate the violations of the laws of war by any party to the war on Yemen.

We bring to your attention that political negotiations were ongoing in Yemen and would have led to a power-sharing government inclusive of all Yemeni parties and factions but for the Saudi-led war, which interfered with that political dialogue and, in effect, the rights of the Yemeni people to self determination. We continue to warn that as a consequence of the Saudi-led Coalition's war, al-Qaeda was able to reclaim territory it had previously lost to the Yemeni army and popular committees. Prior to the war's outbreak, al-Qaeda controlled only one small desert city, Mukalla. However, due to the war, al-Qaeda now operates freely in many southern areas, where it commits systematic human rights violations, such as in the port city of Aden and recently in Lahj.

a) <u>Ongoing Violations of the Laws of War, Human Rights Law, Humanitarian Law</u>

i) Airstrikes on civilian targets that include the use of internationally banned cluster munitions

In the first 300 days of the war, a total of 8,143 civilians were documented to have been killed by Saudi-led Coalition airstrikes. 4,628 were men (56%), 1,519 were women (19%), and 1,996 were children (25%). The total number of civilians wounded due to the indiscriminate airstrikes exceeds 15,000. 512 bridges were destroyed along with 125 power plants, 164 water stations, 167 telecom stations, 14 airports, 10 sea ports, 325,000 residential homes, 238 hospitals and clinics, 39 colleges and universities, 569 schools and causing 3,750 others to close down.

In addition to the indiscriminate use of air power to attack civilian populations, the Saudi-led coalition has also been documented to have used internationally banned cluster munitions in violation of the principles of distinction, proportionality, and military necessity.

Cluster Munitions

The Saudi-led Coalition's repeated use of internationally banned cluster munitions in civilian areas may indicate a degree of intent to harm civilians, a threshold that, when passed, amounts to war crimes. Throughout the last year, 5 different types of cluster munitions have been documented to have been used by the Saudi-led Coalition in civilian areas. Between April and July 2015 the Saudi-led coalition forces used cluster munitions in at least seven attacks in Yemen's northwestern Hajja governorate, killing and wounding dozens of civilians. More recently, in the early morning of January 6, 2016, the Saudi-led coalition dropped cluster bombs in heavily populated residential neighborhoods of Yemen's capital, Sanaa, including Madbah, Sawad Hanash, Al-Sunaina, Hayel Street, Al-Rabat Street, Al-Ziraa zone, Kuwait Street, Tunis Street, the university zone, and Bir Al-Shaif.

The cluster bombs killed at least one child, injured ten others, and damaged residential property and cars in the vicinity. A school for girls was also partially damaged. The areas the Saudi-led Coalition bombed are densely populated with civilians living in close proximity to schools, hospitals, and markets. They have no military protection.

ii) Imposition of a comprehensive indiscriminate land, air and sea blockade by the Saudi-led Coalition

The Saudi-led Coalition has abused the UN Security Council's (UNSC) Resolution 2216 to justify its blockade of Yemen. UNSC Resolution 2216 is an arms embargo on named individuals. It does not sanction the withholding of food, medical, and fuel supplies from Yemen by a warring party who has committed, and continues to commit, serious and gross violations of the laws of war, human rights, and humanitarian law. Given the UNSC's mandate to maintain peace, stability, and security among nation-states, the UN should extend the embargo to the member states of the Saudi-led Coalition.

The Saudi-led Coalition's abuse of Resolution 2216 has played an integral role in the food insecurity of an estimated 14.4 million Yemenis, 7.4 million of whom are severely food insecure. Moreover, hundreds of hospitals and clinics have shut down due to the Saudi-led Coalition's airstrikes and blockade. The blocking of critical fuel and medical supplies is causing an estimated 15 million Yemeni people to be without adequate access to basic healthcare needs.

b) **Lack of Cooperation With UN**

i) Lack of cooperation with OHCHR Representative

We bring to your attention our continued concern with the Hadi government in exile's lack of cooperation with George Abu al-Zulof, the OHCHR representative in Yemen, by recently designating him as persona non grata due to his documentation of human rights violations in Yemen. It is concerning that the High Commissioner for Human Rights had to emphatically remind Hadi and the Saudi-led Coalition that the UN's job "is not to highlight violations committed by one side and ignore those committed by the other." The UN Human Rights Council tasked the same person who deemed the OHCHR representative persona non grata with implementing a resolution adopted by consensus that calls for the National Commission to investigate the crimes being committed by all parties to the war in Yemen. Despite Hadi's subsequent retraction, his status as part of the Saudi-led Coalition, coupled with his statements and actions, makes him unfit for the position as a neutral arbiter with respect to the crimes being committed.

ii) Non-observance or implementation of the UPR recommendations

We express our concern with Hadi's inability to implement the UPR recommendations, namely the ratification of the Rome Statute by Parliament. The Rome Statute is critical to seeking redress for the crimes in the International Criminal Court's jurisdiction that were, and continue to be, committed against civilians in Yemen. Because there is no functioning government on the ground, Hadi will not be able to complete the ratification process nor would it be in his interest to do so if he actually had a functioning government since he is an integral accomplice to the commission of crimes in Yemen and cannot be reasonably expected to prosecute himself nor the Coalition he is a part of.

iii) Inability of Hadi's national commission to investigate the crimes being committed in Yemen

We express our deep regret and sincere disappointment with the decision to withdraw the draft resolution tabled by the Netherlands in the 30th Session. Our reservations with the Resolution include, but are not limited to, the acknowledgement of Hadi's Presidential Decree No. 13, which calls for the establishment of a National Commission that will not meet international standards. Moreover, there are no legal grounds for the establishment of a National Commission by a government in exile. The legislature, the judiciary, and the executive, should facilitate the implementation of these obligations. Given that the Hadi government is not functioning in Yemen, it cannot carry out its duty of investigations in Yemen. In addition, the National Commission is biased. This is demonstrated by the decree itself, the purpose of which is to investigate and prosecute crimes committed by local parties without reference to the crimes being committed by the Coalition led by Saudi Arabia.

Recommendation

At the 31st Session of the Human Rights Council, IDO together with Americans for Democracy & Human Rights in Bahrain, and Arabian Rights Watch Association, urge UN Member States to renew their calls to:

- Set up an independent international commission of inquiry into the crimes being committed by any party to the war on Yemen.

- Call for the imposition of an arms embargo on the Saudi-led Coalition.

- Call for an end to the war on Yemen both the airstrikes and the blockade and full withdrawal of all foreign forces from the territory of Yemen.
- Facilitate humanitarian access to impoverished areas.
- Provide support to Yemen in its struggle against violent extremist forces.
- Facilitate Yemeni-Yemeni dialogue without foreign intervention.

United Nations A/HRC/31/NGO/70

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02402(E)

Please recycle

Human Rights and Religious Freedom in the Democratic People's Republic of Korea

Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), both members of the International Coalition to Stop Crimes against Humanity in North Korea (ICNK), seeks to draw the Council's attention to the domestic human rights and religious freedom situation in the Democratic People's Republic of Korea. We welcome the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea's continued efforts to ensure accountability for the gross human rights violations in the country. We applaud the work of the Special Rapporteur and also the Commission of Inquiry (COI) report released in 2014, and we welcome the establishment of the UN Human Rights Office in Seoul that is mandated to strengthen, enhance and maintain DPRK human rights accountability and engagement.

As the security situation remains precarious due to the recent reported nuclear test on the Korean Peninsula, it is necessary to stress that any effort by the international community to engage the DPRK should incorporate a constructive human rights dialogue while seeking to ensure accountability. It is widely known that the human rights situation in the DPRK is one of the most acute and complex situations in the international community. For decades there have been documented testimonies from North Koreans who have experienced or witnessed brutal forms of physical and mental indoctrination and persecution, which violate their rights according to international law.

The COI report on the human rights situation in the DPRK (A/HRC/25/63, published in February 2014, was ground-breaking in highlighting the widespread, systematic and gross violations of the human rights in the country; and characterised many of these violations as crimes against humanity. The report affirms that these violations are not merely excesses of the state, but are essential components of the political system, a totalitarian state where absolute power is centralised in a small group. This absolute power and control is expressed in the vast political and security apparatus in the DPRK that uses surveillance, coercion, fear and punishment to stop any form of dissent. Accountability therefore extends to the leadership who wield absolute power with impunity. The perpetrators' ongoing impunity is due to the unwillingness of the DPRK to implement its international obligation by prosecuting the perpetrators and bringing them to justice, because the perpetrators are acting in accordance with State policy.

Violations that have reportedly occurred and continue to occur include the right to life, right to food, freedom of religion or belief, freedom of movement, enforced disappearances and abductions from other States, arbitrary detention, torture and other inhuman treatment. In many cases these violations are interconnected. For religious believers, especially Christians, these violations are systematic and grave. Since the leadership has classified Christians as a hostile class under the socio-political classification system of *songbun*, any North Korean national found to believe and practise Christianity or to have witnessed Christian activities is persecuted severely. Once detained, Christians are sent to political prison camps (*kwanliso*) where murder, extermination, enslavement, forcible transfer, arbitrary imprisonment, torture, rape and sexual violence, enforced disappearance, as well as other inhumane acts all occur. CSW's 2007 report, *North Korea: A Case to Answer, A Call to Act* documented the brutal and gross human rights violations in these camps. The COI report reiterates these violations and the need for the international community to act, engage the DPRK, and seek a dual resolution of reform and justice.

The human rights situation extends from being a domestic to a regional and global issue. Outstanding issues include family reunifications between North and South Koreans, abductions of Japanese nationals, and North Koreans repatriated from China and Russia. The repatriation of North Koreans is a grave issue because of the serious reprisals by the North Korean government against those it classifies as 'defectors'. North Koreans who cross the border into China (some also cross to Russia, although in lower numbers as the border is smaller and very well guarded) or to a lesser extent Russia are largely fleeing persecution or life threatening situations such as starvation. Countries that receive North Koreans fleeing the DPRK due to genuine human rights concerns, should afford these North Koreans refugee status and immediately cease any policy of forcible repatriation. The COI report states that thousands of repatriated North Koreans over the decades have been subjected to torture, arbitrary detention, summary execution, forced abductions and sexual violence. States must respect the principle of non-refoulement, as well as extend asylum and other means of accommodation and protection for North Koreans who are fleeing the DPRK. Christian North Koreans

who are repatriated face severe punishment and immediate detention in political prison camps. It is therefore paramount that North Koreans' human rights concerns are accepted by China and Russia and the necessary steps taken to protect them and process their asylum claims.

The global concern over the security situation on the Korean Peninsula is linked to the human rights situation in the DPRK and should not overshadow it. In January 2016 the Special Rapporteur stated in the wake of DPRK nuclear test that "any act that can be construed as violence against the international community has negative implications on the human rights situation in the DPRK…Such an act immediately overshadows the continuous efforts by the international community to improve the human rights situation in the DPRK."[1] The security situation perpetuates the human rights violations in the DPRK because the ideology and culture of *juche*, 'military-first politics' and *songbun* use the state of emergency to persecute individuals' rights if it deems those individuals hostile. The pursuit of accountability should continue in parallel with the sustained efforts to seek engagement with the DPRK.

The COI recommended that the human rights situation in the DPRK be referred to the International Criminal Court (A/HRC/25/CRP.1, para 1225(a)). This has also been encouraged by the General Assembly (A/HRC/25/63, para 94(a), and General Assembly Resolution 69/188, para 8). General Assembly Resolution 69/188 was important in illustrating the international community's effort to refer the DPRK human rights situation to the Security Council. The subsequent consideration of the human rights situation in the DPRK by the Security Council on 22 December 2014 and 10 December 2015 are constructive and progressive; however, obstacles remain. The establishment of the Office of the United Nations High Commissioner for the Human Rights office in Seoul, as recommended by the COI (A/HRC/25/CRP.1, para 1225(c)), is another welcomed positive effort by the international community. The office's capacity and mandate to strengthen, enhance and maintain DPRK human rights accountability and engagement should continue to develop and its independence should be maintained, and it should be given adequate resources to carry out its mandate. The development of a human rights contact group (A/HRC/25/CRP.1, para 1225(h)) by states that have historically friendly ties, as well as those in the Six Party talks, should be promoted with a view of creating a platform for addressing the situation and creating initiatives.

Recommendations to the Human Rights Council

- Ensure that the recommendations from the Commission of Inquiry (A/HRC/25/CRP.1) and Special Rapporteur (A/70/362) are implemented.
- Continue to ensure that the Security Council and General Assembly hold regular briefings on the human rights situation in the DPRK with the participation of the UN High Commissioner for Human Rights and other relevant experts, including the Special Rapporteur
- Ensure that human rights are central in any negotiations, whether bilateral or multilateral, between the DPRK and any UN Member State
- Call for the adoption of a UN Security Council resolution addressing human rights and impunity in North Korea
- Support the referral of the human rights situation in the DPRK to the International Criminal Court, based on the Commission of Inquiry's findings that crimes against humanity have occurred
- Support the OHCHR in their mandate; facilitate their work; look to expand their capacity; support their initiatives; ensure their continued independence, sufficient resources, and security are maintained
- Urge the DPRK to invite the UN Special Rapporteur for freedom of religion or belief and other UN Special Procedures to visit the country with unhindered access
- Urge the government of the DPRK to abide by all the international human rights instruments that it has ratified
- Urge the government of the DPRK to cease the discriminatory *songbun* caste system, including the discriminatory hostile classification of religious believers that enables persecution; and urge the government to uphold, in law and practice, freedom of religion and belief as stipulated in Article 18 of the International Covenant on Civil and Political Rights

[1] United Nations Office of the High Commissioner for Human Rights, '"It is now imperative to pursue criminal accountability of the DPRK leadership" – UN Special Rapporteur', 22 January 2016 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16982&LangID=E

- Urge the government of the DPRK to immediately cease the operation of political prison camps, dismantle them, rehabilitate political prisoners and give them appropriate and immediate assistance.

Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/31/NGO/71

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02403(E)

Please recycle

Human Rights and Freedom of Religion or Belief in Bangladesh

Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), thanks the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, for undertaking a country visit to Bangladesh in September 2015 and for his substantial and detailed findings on freedom of religion or belief in the country. As highlighted in the Special Rapporteur's initial findings, minority groups in Bangladesh continue to face discrimination in the law, in civil society and in treatment by enforcement agencies. We welcome the Special Rapporteur's report and express our condemnation of violent attacks and violations of the right to freedom of religion or belief that took place in 2015. Last year's multiple attacks on Shia mosques, Hindu temples and threats to Christian church leaders are reflective of the ongoing struggles for religious minorities in Bangladesh. Limits on freedom of expression are also concerning, as shown by attacks on bloggers and publishers, and the misuse of various laws: incidents which are on the rise both in terms of number and severity.

Political unrest led to repeated cycles of violence in 2013, 2014 and early 2015 as religious minorities and secular activists became the victims of intimidation and attacks by radical opposition party members. The Hindu community, traditionally associated with support of the Awami League, was threatened by the opposition Bangladesh Nationalist Party and its ally Jamaat-e-Islami, and Hindus were attacked in bouts of post-poll violence. According to information received from the Bangladesh Hindu Buddhist Christian Unity Council, an estimated 495 Hindu homes were damaged, 585 shops were attacked or looted, and 169 temples were vandalised in election-related violence.

Legislation

While we commend Bangladesh's introduction of a National Human Rights Commission in 2010, we are extremely concerned by new and revised laws that impede freedom of expression, limiting the space for civil dissent. The violent chain of attacks that resulted in the death of four bloggers and one publisher in 2015 alone is an appalling affront on free speech and any critical voice in Bangladesh, and a very worrying sign of the fate ahead for anyone holding or expressing an opinion contrary to the state religion of Islam. This is despite the secular status of the country enshrined in Article 12 of the 1972 constitution, a conflict noted in the Special Rapporteur's findings. Bangladesh's Inspector General of Police, AKM Shahidul Hoque, responded to the murder of blogger Niloy Chatterjee in August 2015 with a concerning reminder that "Hurting religious sentiment is a crime according to our law."

We are concerned that the newly proposed Cyber Security Act 2015 will further tighten the authorities' control over freedom of expression, going beyond the existing Information and Communication Technology (ICT) (Amendment) Act 2013, which already criminalises defamatory and 'anti-State' publications, and has been used to target human rights defenders. Section 295A of the Bangladesh Penal Code and Article 57 of the ICT mandate imprisonment for 'hurting religious sentiments', the clause referred to by the Inspector General of Police. The draft Cyber Security Act imposes a maximum imprisonment of 20 years for cyber-terrorism, reflecting the trend towards a legislative clamp down on freedom of expression. These laws run contrary to Bangladesh's obligation to protect freedom of expression as enshrined in Article 19 of the International Covenant on Civil and Political Rights, to which Bangladesh is party, as well as Article 39 of the Bangladesh constitution.

Attacks on religious minorities

Discrimination in Bangladesh is not limited to one minority group, but affects groups and individuals of various beliefs and none. The Christian community is certainly not exempt. On 25 November 2015 Reverend Barnabas Hembrom, pastor of Rangpur Baptist Mission, and nine other pastors in the district received three anonymous letters threatening to kill them for 'preaching Christianity in Bangladesh.' A minister from the Church of God has also suffered a number of serious threats to his life, resulting in his forced displacement and constant police protection. While the government has promised extra security to those facing severe intimidation, it should take more effective and holistic action to eliminate the underlying motives for these threats and to combat the growing fundamentalist voices threatening freedom of religion or belief in Bangladesh.

Also on 25 November 2015, in southern Bangladesh two young men viciously attacked Alok Sen, the general secretary of the Hindu-Buddhist-Christian Oikya Parishad community. The two men used sharp weapons that left Mr Sen hospitalised with cuts to his hands and legs. On 18 November 2015 Piero Palorai, an Italian doctor and pastor at a

Dinajpur church was injured in a gun attack, less than two weeks after an attempt on the life of Reverend Luke Sarker in Pabna on 5 October. Jubilee Campaign together with CSW is very concerned by these threats to the lives of Christian leaders.

The minority Shia community in Bangladesh is also facing increased and new forms of threats. On 26 November 2015 attackers entered a Shia mosque in the Bogra district during evening prayers and opened fire, killing Moazzem Hossain, the mosque's muezzin, and injuring a number of worshippers. The incident came a month after the 26 October grenade attack on a Shia shrine in the capital city of Dhaka, which killed one and reportedly injured about 80 people.

The Hindu community of Bangladesh also continues to face significant levels of discrimination and ongoing sporadic attacks. On 5 December 2015 celebrations of the Hindu festival Rushmela were targeted when an explosion injured spectators enjoying folk theatre. Just days later, on 10 December, an attack on a Hindu temple in Bahuchi village in Kaharol Upazila in Dinajpur killed nine people.

Religious minorities including the Hindu community in Bangladesh are vulnerable to gender-based violence, with evidence of repeated cases of rape, forced marriage and conversion victimising underage girls. While the cases themselves are extremely worrying, the government's discourse surrounding child marriage must further be highlighted as an area of particular concern. In direct contradiction to her earlier claim that the Awami League would ensure an end to child marriage, Sheikh Hasina's government has drafted the Child Marriage Restraint Act 2014 with a subsection that proposed a provision permitting girls from age 16 to marry under 'special circumstances', referring to situations when a girl has allegedly eloped with a man and refuses to return, or becomes pregnant before marriage.

Land grabbing

Despite the repealing of the Enemy Property Act which had historically been used to systematically strip Hindus of their rights to property, land grabbing remains a serious issue in Bangladesh, with religious minorities suffering daily from land insecurity. While the law was initially formulated as overt discrimination against Hindus, a multitude of minority groups now suffer land grabbing – an issue that consumes the nation's court system. According to the Association of Land Reform and Development, about 75% of the estimated 3 million pending court cases in Bangladesh are related to land disputes. As highlighted in the Special Rapporteur's initial report, return of lost property continues to be problematic. Thus far the compensation for and return of land promised by the Vested Properties Return (Second Amendment) Bill 2012 is wholly inadequate, leaving communities still under threat and unable to reclaim their lost land.

Recommendations to the Human Rights Council

- Urge Bangladesh to repeal the draft subsection to the Child Marriage Restraint Act which would permit marriage of children as young as 16 under 'special circumstances'
- Urge Bangladesh to revise Article 57 of the Information Communication and Technology Act in order to put an end to its misapplication to minorities and vulnerable groups
- Urge Bangladesh to speak out against religiously-motivated violence and to offer government protection for threatened bloggers, writers, publishers and church leaders, and to conduct full investigations into all attacks and murders, ensuring justice for victims
- Urge Bangladesh to uphold the country's secular status enshrined in the constitution, to protect religious minorities from any further religiously-motivated violence
- Call on the government of Bangladesh to adhere to their election promise to fully implement the 1997 Chittagong Hill Tracts (CHT) peace accord, ensuring more holistic rights to the indigenous communities located in the CHT
- Call on Bangladesh to respond to land grabbing with return of property as per the Vested Property Return Act
- Call on the international community to hold Bangladesh to account regarding its obligation to respect international covenants it has ratified, which protect freedom of expression and freedom of religion or belief.

Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/31/NGO/72

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

16-02404(E)

Please recycle

Human Rights and Freedom of Religion or Belief in Myanmar

Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Council's attention to the domestic human rights and religious freedom situation in Myanmar, officially the Republic of the Union of Myanmar. Despite significant progress in political reform, including the elections in November 2015, there remain serious concerns. Despite political reforms and some improvements in civil and political rights severe human rights violations including the systematic use of rape as a weapon of war, torture, forced labour, forced conscription of child soldiers, and extrajudicial killings continue to be perpetrated, particularly in ethnic areas; political prisoners remain in prison; and religious intolerance has emerged as a grave concern.

Political prisoners

Although Jubilee Campaign welcomes the release of many prisoners during a recent amnesty in Myanmar[1] the continuation of arbitrary arrests is troubling. Just hours after an amnesty was announced in January 2016, in which 102 prisoners were released, including at least 16 prisoners of conscience, peace activist Patrick Kum Jaa Lee was sentenced to six months in prison for "online defamation" after sharing a post on social media in which a person is seen stepping on a photo of Myanmar Army Commander in Chief, Senior General Min Aung Hlaing. [2]

Freedom of religion or belief

A major setback for religious freedom in Myanmar is a package of four laws aimed at the 'protection of race and religion'. Implemented in 2015, these laws focus on restricting religious conversion, inter-faith marriage, monogamy and population control. Under the new legislation anyone wishing to change their religion will be required to apply for permission to an 11-member committee, consisting of officials responsible for religious affairs, immigration, women's affairs and education.

The 'protection of race and religion' laws have been opposed by civil society in Myanmar and the international community, including the UN Special Rapporteur on Human Rights in Myanmar, Yangjee Lee, who highlighted "significant human rights concerns" relating to the legislation on religious conversions and inter-faith marriage which would "legalise discrimination, in particular against religious and ethnic minorities and against women".[3]

The climate of religious intolerance in Myanmar has worsened significantly in recent years, resulting in violations of freedom of religion or belief and of freedom of expression, and violence incited against religious minorities. Htin Lin Oo, a former information officer of the National League for Democracy (NLD), was convicted of religious defamation under Articles 295(a) and 298 of Myanmar's penal code and received a two-year prison sentence, after a speech he made on 23 October 2015 criticising Buddhist extremists for inciting hatred and violence.[4] A Buddhist himself, he argued that the extremist Buddhist nationalists' behaviour, and the religious intolerance spread by groups such as the Ma Ba Tha, was incompatible with the teachings of Buddhism.

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[1] Amnesty International Press Release https://www.amnesty.org/en/latest/news/2016/01/myanmar-prisoner-amnesty-marred-by-outrageous-jailing-of-activist-for-facebook-post/

[2] Amnesty International Press Release https://www.amnesty.org/en/latest/news/2016/01/myanmar-prisoner-amnesty-marred-by-outrageous-jailing-of-activist-for-facebook-post/

[3] Special Rapporteur on Situation of Human Rights in Myanmar's Report, 23 March 2015 http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_72_en.doc

[4] CSW, 'Defamation laws suggest decline in freedoms', 17 March 2015 www.csw.org.uk/2015/03/17/news/2518/article.htm

Ethnic conflict

Bringing to an end decades of civil war with Myanmar's ethnic nationalities will be a key challenge facing the new government. The outgoing military-backed government began a ceasefire process, but war continues in northern Myanmar against the Kachin and Shan peoples; the situation in Kachin state is of very serious concern.

In 2011 the Myanmar Army broke a 17-year ceasefire with the Kachin Independence Army (KIA), and launched a new military offensive. In the past three and a half years at least 140,000 civilians have been displaced, 200 villagers attacked and 66 churches destroyed. Rape is used as a weapon of war. The Kachin Women's Association Thailand (KWAT) and Legal Aid Network (LAN) have documented over 70 cases of gang rape, rape, and attempted sexual violence by Myanmar army troops in Kachin and northern Shan states since June 2011.[5]

In January 2015 two Christian women were attacked, gang raped and murdered by Myanmar Army soldiers in a church compound in Kawng Kha village, northern Shan state. Maran Ly Ra, aged 20, and Tangbau Hkawn Nan Tsin, 21, were teachers from Myitkyina and worked with the Kachin Baptist Convention. CSW sources said that villagers nearby heard the girls screaming and when they went to investigate they saw Myanmar Army boot prints and the bloodied bodies of the dead girls. Church members went to the police, but no action has been taken. The KWAT and the LAT's report, *Justice Delayed, Justice Denied*[6] exposes the systematic cover-up, which extended to the highest levels, of the Myanmar Army's involvement in the case.

Military control over the police and judiciary is a key structural barrier to attaining justice in Myanmar. Since provisions of human rights treaties are not incorporated into Myanmar's constitution or laws, and the judiciary system benefits the perpetrators of abuses; intervention by the international community is necessary in order to restore justice. It is essential that perpetrators do not receive immunity from justice for crimes they have committed, and that a political and peaceful solution to the future of the ethnic nationalities in Myanmar is sought. Jubilee Campaign, together with CSW, urges the international community to prioritise this issue and provide expertise to all sides involved, working to secure a genuine peace process involving political dialogue and political settlement.

Persecution of Rohingyas

Since 2012 violence against Muslims throughout the country has erupted periodically, and hate speech is widely used by a movement of extremist Buddhist nationalists to stir up anti-Muslim sentiment. The UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, has expressed concern about the influence of extreme religious nationalist movements in the political process, and the institutionalised discrimination against the Rohingya. Lack of action to tackle hate speech could amount to incitement to hatred against minorities, and discriminatory laws aimed at 'protecting race and religion' are in stark contrast to Myanmar's human rights obligations.

Persecution of the Muslim Rohingyas in Rakhine state is especially severe. The 1982 Citizenship Law stripped the Rohingyas of their citizenship, rendering them stateless. Since violence erupted in Rakhine state in 2012, thousands of Rohingyas have fled the country, risking their lives in boats on the open sea; or are internally displaced, living Internally Displaced Persons (IDP) camps with inadequate aid and denied freedom of movement.

Furthermore, Jubilee Campaign and CSW are concerned that the 2015 general election results will serve to highlight growing ethnic and religious divides in Myanmar. An estimated 20% of the population is believed to have been deliberately disenfranchised during the election: Rohingya Muslims were denied a vote on the basis of their lack of citizenship, while displaced people in the ethnic areas were excluded, and most Muslim candidates disqualified.

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[5] Asian Human Rights Commission (AHRC), 'BURMA: MYANMAR: Justice Delayed, Justice Denied', 22 January 2016 www.humanrights.asia/news/forwarded-news/AHRC-FPR-001-2016

[6] *Justice Delayed, Justice Denied: Seeking truth about sexual violence and war crime case in Burma*, Kachin Women's Association Thailand (KWAT) and Legal Aid Network (LAN) https://drive.google.com/file/d/0B43b0qOPkS0BRU1kYzA1Tkp6VjB2cmYzQ0FUMXIlbnNtb1U0/view

The November 2015 election was won by Myanmar's democracy leader, Aung San Suu Kyi, and her party, the NLD; this was the first openly contested general election in Myanmar since 1990. Nonetheless the process remained inherently flawed as a result of clauses in the 2008 constitution barring Aung San Suu Kyi from the presidency, and guaranteeing the military 25% of the seats in parliament.

Recommendations to the Human Rights Council:

- Urge Myanmar to issue an invitation to the UN Special Rapporteur on freedom of religion or belief to visit Myanmar, to investigate reports of violations of religious freedom.
- Call upon and aid the government of Myanmar to implement recommendations made in successive UN reports on Myanmar's domestic human rights situation;
- Urge the government of Myanmar to declare a nationwide ceasefire and an end to military attacks against ethnic civilians;
- Call for the urgent protection of IDPs, and for the government and army to immediately cease its attacks on Kachin State;
- Urge the government of Myanmar to halt violations of human rights by security forces, including bringing to an end the widespread use of rape as a weapon of war, forced labour, torture and killings;
- Call for the repeal of the 1982 Citizenship Law. A new law on citizenship rights should be founded on the principles of non-discrimination and equality, providing full citizenship for people regardless of their religious affiliation;
- Urge Myanmar to release unconditionally all prisoners of conscience;
- Urge Myanmar to take steps to protect and promote freedom of religion or belief and freedom of expression for all.

Christian Solidarity Worldwide, an NGO(s) without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/31/NGO/73

General Assembly

Distr.: General
19 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02537(E)

Please recycle

Freedom of assembly in Sri Lanka: limitations through use of force and intimidation (January 2015-Present)[1]

The establishment of a new Sri Lankan Government in January 2015 was accompanied by a commitment to promote and implement human rights obligations with respect to freedom of assembly. Recent events, however, indicate that the government has failed to fulfil its promises.

Under President Sirisena's rule interferences with the right to freedom of assembly have included the violent dispersal of protests and demonstrations by the police, and the employment of intimidatory practices. Furthermore, the police's increasing tendency to ban or restrict demonstrations through the use of Court enjoining orders suggests an attempt to legitimise systematic interferences with this fundamental right. This conclusion is strengthened by the Deputy Minister of Justice's recent legislative proposal to introduce limitations on the geographical scope of protests, contrary to the prohibition of generalised restrictions on freedom of assembly established under international human rights law. The above trends are particularly widespread in the Northern and Eastern provinces, where they serve to suppress Tamil political participation.

The practices adopted by the Government, in conjunction with a lack of accountability for past violations, contribute to the continued existence of a climate of intimidation and fear, which, in turn, has a chilling effect on the full enjoyment of freedom of assembly.

Violent tactics in the suppression of public protests

The practices employed to restrict protests raise serious concern. Incidents involving the deployment of tear-gas and water cannons against protesters have been repeatedly reported during the past year,[2] and students have increasingly been the targets of police brutality. For example, on 29 October 2015, the anti-riot squad suppressed a demonstration in Colombo by employing water cannons, tear-gas and batons against University students. This incident resulted in thirty-nine arrests and nine people were hospitalized.[3] The Police Media Unit has not acknowledged the use of the abovementioned methods and has denied the deployment of Anti-Riot Police personnel.[4]

Recently, the UN Special Rapporteur on the right to freedom of peaceful assembly and association warned against the employment of water cannons in demonstrations, as they "can inflict great bodily harm".[5] Similarly, it has been noted that the use of tear-gas "does not discriminate between demonstrators and non-demonstrators, healthy people and people with health conditions",[6] and is potentially hazardous.

Following the incident, an investigation conducted by the Human Rights Commission of Sri Lanka (HRCSL) led to the conclusion that the assault had been in breach of students' rights under sections 11 and 12 (1) of the Constitution,[7] as it involved a disproportionate use of force by police.[8] The HRCSL requested that the officers concerned be identified,

[1] The Human Rights Centre Clinic at the University of Essex undertook research and analysis in preparation of this submission. The Sri Lanka Campaign for Peace and Justice assisted with the editorial process. The International Movement Against All Forms of Discrimination and Racism (IMADR) has made the submission.

[2] INFORM Report: Repression of Dissent in Sri Lanka, 9 January – 19 April 2015 (INFORM April) and INFORM Report: Repression of Dissent in Sri Lanka, 20 April – 31 May 2015 (INFORM May), p. 7-8.

[3] http://www.asianmirror.lk/news/item/12549-thirty-nine-students-arrested-at-hnda-protest; (last accessed 01/02/2016)

[4] https://www.ceylontoday.lk/16-108387-news-detail-no-batons-no-tear-gas-no-riot-police-police-say.html; (last accessed 01/02/2016)

[5] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16998&LangID=E#sthash.EKLYI348.dpuf (last accessed 01/02/2016).

[6] UN Human Rights Council (HRC), "Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association" 21 May 2012, A/HRC/20/27 (A/HRC/20/27), para. 35.

[7] The Constitution of Sri Lanka, Section 11: No person shall be subjected to torture or to cruel, inhuman or degrading treatment [...]; Section 12. (1): All persons are equal before the law and are entitled to the equal protection [...].

[8] http://hrcsl.lk/english/2015/12/04/hrcsl-report-on-police-assaults-on-hnda-students/ (last accessed 01/02/2016).

held accountable, and subjected to disciplinary proceedings. On 7 January 2016, however, the police challenged the above recommendation before the Court of Appeal.[9]

Importantly, the Commission highlighted the systematic character of the abuses, emphasising that the events formed part of the "broader issue concerning the manner in which the [...] Security Forces control civil demonstrations and the impact on the freedom of [...] peaceful assembly guaranteed by the Constitution [...] and Sri Lanka's international obligations". The forceful dispersal of protests, along with the continuing culture of police impunity, dramatically discourages involvement in the political process and prevents the opening of the public space.

Intimidation and climate of fear

Adding to the chilling effect caused by the dispersal of protests, is the use of intimidatory tactics by security forces, particularly in Tamil-majority areas. Events surrounding Remembrance week in May 2015 illustrate this issue.[10]

In the North and East, intelligence officers harassed Tamils in their homes and threatened those travelling to events to discourage participation. Intelligence officers also attended many remembrance ceremonies.[11] Due to the latter's role in the abuses perpetrated both during and since the conflict, their attendance alone induces fear. Surveillance - through filming, questioning and recording of participants' details - aggravates the sense of intimidation.[12] The summoning of community leaders and event organisers has been among the intimidatory techniques employed.[13] The above tactics appear to be typical of the response to protests more broadly,[14] as demonstrated by the Government reaction to the campaign demanding the release of Tamils detained under the Prevention of Terrorism Act.[15]

It is acknowledged that the use of disproportionate surveillance measures against protestors who do not pose a security threat "has the potential to deter people from taking part in peaceful protest".[16] This conflicts with the State's positive obligation to facilitate the exercise of the right to freedom of assembly.[17]

Court enjoining orders have also been used to ban events. In May, the Mullaitivu Magistrate Court issued a 14-day ban, ostensibly to prevent a 'breach of peace'.[18] However, permissible limitations of freedom of assembly under the ICCPR, to which Sri Lanka is a party, are built on the exceptional nature of derogations,[19] and on the assumption that restrictions shall be "proportionate to the aim pursued".[20]

Blanket bans, like the above, "tend to be over-inclusive and [...] fail the proportionality test".[21] This conclusion is also relevant to the proposed legislation amendment limiting protests' geographical scope, as mentioned above. Moreover, the frequency of bans and restrictions issued suggests a normalisation of the State's interference with citizens' rights.

The limitations on freedom of assembly contained in the Sri Lankan Constitution raise further concerns. Under Article 14(1)(b) of the Constitution, the "exercise and operation" of the right to freedom of assembly can be restricted "in the interests of racial and religious harmony".[22] This provision exceeds the scope of the permitted restrictions on freedom

[9] http://www.colombopage.com/archive_16A/Jan07_1452141421CH.php (last accessed 01/02/2016).
[10] INFORM May, p.10-11.
[11] INFORM May, p.10-11; http://www.tamilguardian.com/article.asp?articleid=14715 (last accessed 01/02/2016).
[12] http://www.tamilguardian.com/article.asp?articleid=14805 (last accessed 01/02/2016); INFORM May, p.10.
[13] INFORM Report: Repression of Dissent in Sri Lanka, July – September 2015 (INFORM September), p.5.
[14] INFORM Report: Repression of Dissent in Sri Lanka, 1 June – 30 June 2015 (INFORM June), p.5-6.
[15] https://www.wsws.org/en/articles/2015/11/18/pris-n18.html (last accessed 01/02/2016)
[16] Equality and Human Rights Commission, *Human Rights Review 2012*, p.380.
[17] A/HRC/20/27, para.27.
[18] http://tamilguardian.com/article.asp?articleid=14768 (last accessed 01/02/2016); INFORM May, p. 9-11.
[19] A/HRC/20/27, para. 16.
[20] *Ibid.*, para. 40.
[21] Belyaeva, Nina, et al. "OSCE/ODIHR Guidelines on Freedom of Peaceful Assembly", OSCE/ODIHR Panel of Experts on the Freedom of Assembly, second ed., Warsaw/Strasbourg 2010, p.16.
[22] *Ibid.* Art.15(3).

of assembly under the ICCPR.[23] Moreover, as highlighted by OSCE Guidelines, international and regional human rights instruments provide an exhaustive list of grounds for restrictions, which should "not be supplemented by additional grounds in domestic legislation".[24]

Targeting Tamil-majority areas

The Tamil-majority North and East regions are particularly affected by the measures highlighted above, and threats and surveillance frequently target Tamil remembrance events. This is exemplified by the overwhelming concentration of intelligence officers at events held in these regions, whereas they are virtually absent from protests in the South. The failure by the government to return Tamil lands to their original owners and the continuing military occupation are another source of tension exclusively affecting this area.[25]

These trends expose the "Sinhalisation" process still conducted at the hands of the government, which ultimately prevents Tamil communities from resuming an ordinary life after the conflict and participating fully in the political process.[26] The continuing climate of fear and insecurity exacerbates the negative effects and limitations on freedoms in the North and East, thereby creating a chilling effect amongst the Tamil population.

Recommendations

Despite some minor improvements recorded since the change in government, Sri Lanka still faces significant challenges. Limitations on the right to freedom of assembly highlight a systemic issue within the country and are detrimental to the process of transitional justice. With this in mind, the Government of Sri Lanka is urged to:

- Enact comprehensive security sector reforms that fully embrace human rights and ensure accountability and the rule of law;
- Align restrictions on freedom of assembly under the Constitution with international standards, and refrain from introducing blanket restrictions on protests;
- Terminate all forms of unwarranted interference in Tamil commemorative events and military presence in the North and East;
- Respond to the pending request of the Special Rapporteur on the right to freedom of peaceful assembly and association for a country visit.

The Sri Lanka Campaign for Peace and Justice, an NGO without consultative status, also shares the views expressed in this statement.

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[23] As noted in a Human Rights Watch report addressing freedom of expression in Sri Lanka: "restrictions 'in the interests of' are not permissible"; HRW, Human Rights Accountability in Sri Lanka, 1992, p.39.
[24] Belyaeva, Nina, *et al*. "OSCE/ODIHR Guidelines on Freedom of Peaceful Assembly", cit. *supra*, p.17.
[25] INFORM June, p.5; INFORM May, p.6.
[26] http://www.theguardian.com/global-development/2015/may/28/sri-lanka-army-land-grabs-tamil-displacement-report-oakland-institute (last accessed 01/02/2016).

United Nations A/HRC/31/NGO/74

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02405(E)

Please recycle

Religious Freedom in the Tibetan Autonomous Region and adjacent regions where Tibetans live

Introduction

Article 18 of the Universal Declaration of Human Rights (UDHR) states, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." The UDHR article on religious freedom is a further guarantee and enshrined in the two leading international bills of rights; the International Convention on Civil and Political Rights (ICCPR) and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Furthermore, the People's Republic of China being an active member of International community, especially one of the forty- five members of the UN Human Rights Council, is obliged to enact domestic legislation reflecting its international responsibilities. However, China continues to place restrictions and hindrances on the free practice of religious freedom. The right to practice Tibetan Buddhism is systematically denied by regulating religious activity in the name of "stability" and "state security".

Religious Repression

The deteriorating environment for Tibetan Buddhism worsened significantly after the Tibetan protests of March 2008. The Chinese authorities have adopted various policies and approaches to control religious belief and activities of Tibetans. Tibetan monasteries, which are centers for Buddhist studies are turned to home for government campaigns. Political indoctrination has replaced monastic education. Political indoctrination is being carried out through series of "patriotic re-education" session in monasteries and nunneries. During the session, monks and nuns are forced to denounce the Dalai Lama and to show their allegiance to the Chinese state by writing exams, and displaying portraits of Chinese communist leaders.

The Chief of the Communist Party in the Tibet Autonomous Region, Chen Quanguo, stated "let the monks and nuns in the temples and monasteries have a personal feeling for the party and government's care and warmth; let them feel the party's benevolence, listen to the party's words and follow the party's path." Monasteries that have not been involved in any kind of protest were given payment of 30,000 yuan (USD 4,841) to 50,000 yuan (USD 8,069).

A document obtained by the Tibetan Center for Human Rights and Democracy reveals the Chinese authorities' systematic efforts to convert Tibetan monastic institutions into Chinese government offices and the monastic population into Chinese Communist Party members in the Tibet Autonomous Region (TAR).

Document no. 224 issued by the Driru County government on 19 September 2015 contains a set of regulations divided into three chapters, 24 sections and 74 articles. The regulation identifies and targets 24 activities through which religious institutions (monasteries, temples and hermitages) will be "purged and reformed" in Driru County. For instance, The Chinese authorities will control all financial activities of religious institutions including offerings made to reincarnate or senior monks. Every Thursday, monks and nuns at all religious institutions in Driru County are required to attend political education sessions. The Chinese authorities will keep an account of all monastic properties, and retain the sole authority to decide over their storage and repair.

Control over Monastic Institutions

In 2009, the Chinese government issued a regulation to further tighten and expand existing means of government control and monitoring of Tibetan Buddhist institutions. The regulation titled "Management Measures for Tibetan Buddhist Monasteries, Order No. 8 ('the Management Measures') sets up Democratic Management Committees (DMC), consisting of elected religious representatives and citizens of the local village or neighborhood committees. The Democratic Management Committees are charged with an array of duties, ranging from administering and educating temple staff, to "organizing teachings regarding relevant laws, rules, regulations of the State and the country's ethnic and religious policies, and national unity" (or "patriotic education"), to maintaining finances, donations, heritage, fire safety, environmental protection, and sanitation. The DMCs and the temples are subject to government supervision and inspections, especially by the Religious Affairs Bureaus ("RAB") and village level "peoples" or "masses" committees.

Interference over Reincarnation of Lamas and Tulkus
In 2007, China's State Administration of Religious Affairs issued a new regulatory measure called "Order No. Five". The regulation dictates that all reincarnations of "living Buddhas" (reincarnated lamas or trulkus) in Tibetan Buddhism must be government-approved, otherwise they are illegal or invalid. The regulation imposes a ban on search for the reincarnates of prominent religious leaders, and prohibits recognized religious leaders from entering their monasteries. Instead, the Chinese government is the only authority that may determine whether a particular individual who dies can be reincarnated, whether a monastery is entitled to have a reincarnate in residence, and whether an individual is to be recognized as a trulku.

Spate of Self-Immolation protests
Since 2009, 142 Tibetans have self-immolated. 123 have died on the scene or shortly thereafter, whereas the conditions and whereabouts of surviving self-immolators are unknown.

Tenzin Phuntsok, a former monk of Karma monastery, died after self-immolation protest on 6 December 2011 in Chamdo, TAR. He wrote in his last testament "Don't be disheartened, never be afraid. How long can we trust the policy which forbids us from practicing our religion?"

26-year old Sonam Topgyal from Kyegudo, Yulshul, Tibet Autonomous Prefecture died after a self-immolation protest against Chinese rule on 09 July 2015. He wrote in his last testament:
"The main aspiration of us the people is for Gyalwa Tenzin Gyatso to be able to return to the Potala Palace. Since we do not have freedom to voice the truth about our conditions, I had to sacrifice my life to be a witness of truth to the world in general and specifically to the Chinese government and people."

The series of protests, including self-immolations, are undoubtedly the expression of unbearable situation where Tibetans live under constant fear and suppression. The Chinese government responded to the self-immolations with more repressive policies, heightened restrictions, detentions and by giving harsh sentences to friends and relatives of self-immolators.

Enforced Disappearance, Detention and Harsh Sentencing of Religious Heads
Enforced disappearance, detention and harsh sentencing of Tibetans, including religious heads are rampant in the Tibet Autonomous Region.

Gedhun Choekyi Nyima, the 11th Panchen Lama: The Panchen Lama is one of the most revered religious leaders. On 14 May 1995, Gedhun Choekyi Nyima, aged six, was recognised by the Dalai Lama as the reincarnation of the 10th Panchen Lama. Within three days, he was abducted by the Chinese authorities, thus making him one of the world's youngest political prisoners. Since then, for 20 years, Gedhun Choekyi Nyima and his family's whereabouts remain unknown.

On 8 April 2011, the United Nations' Working Group on Enforced and Involuntary Disappearances has publicly stated that Gedhun Choekyi Nyima disappeared in 1995 when he was six years old. The Chinese authorities have continually refused to divulge any information about him or his whereabouts, making his case an enforced disappearance.

A number of human rights bodies including the UN Committee against Torture, the UN Committee on the Rights of the Child, as well as the Special Rapporteur on Freedom of Religion or Belief, have all called for the Panchen Lama's whereabouts to be made known. However, China has rejected these pleas to allow contact with the Panchen Lama and continues to detain him.

Raids in Monasteries and Nunneries
The Chinese security forces often conduct night raids in monasteries to search images of the Dalai Lama, CDs of his religious teachings and any other object that is deemed 'subversive' to the party. Monks and nuns are often subjected to arbitrary detention, beating and torture during these night raids, some may even disappear.

In the month of October 2015, according to Radio Free Asia, Chinese authorities expelled 106 Tibetan Buddhist nuns from Jada Garden Khachoeling convent and demolished several residential quarters. The same source mentioned that the nuns were accused of non-compliance with the so-called patriotic re-education (condemning the Dalai Lama.)

Conclusion

China has signed a wide range of human rights treaties, and has also ratified numerous international conventions on human rights protections. But the disparity between China's participation in all international human rights frameworks by signing and ratifying various international human rights treaties and covenants and on other hand their proper implementation is significant.

Recommendations:

Society for Threatened Peoples calls on the Human Rights Council to urge the People's Republic of China to:

- Immediately stop the "Patriotic Re-education" campaigns in the Tibet Autonomous Region and adjacent regions where Tibetans live;
- Stop interfering in the centuries-old Tibetan Buddhist reincarnation system;
- Allow Tibetan monastic institutions to carry religious ceremonies and teach Buddhist monastic education;
- Allow monks and abbots (traditional heads of monastery) to take active administrative roles.

United Nations A/HRC/31/NGO/75

General Assembly

Distr.: General
19 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 6
Universal Periodic Review

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02538(E)

Please recycle

Slavery in Mauritania

Society for Threatened Peoples is deeply concerned about the implementation of the "Roadmap to combat the consequences of slavery" which was published by the Mauritanian Government on March 6, 2014. This Roadmap is divided into 29 points and describes the judicial, economic and social measures in order to fight against the consequences of slavery. Mauritania abolished slavery in 1981 but this practice persists in the country. Slavery mostly affects Haratine people who are slave descendants.

The Mauritanian state took several decisions in order to eradicate slavery, but did not succeed. Mauritania is party to all international conventions concerning Human rights and prohibiting slavery. In 2007 Mauritania passed the law 2007-048, criminalizing slavery, but the Mauritanian President does not recognize that slavery still exists in Mauritania.

A common practice for prosecutors in Mauritania is to reclassify cases under other charges. Since the promulgation of the law 2007-048, only two criminal trials have been opened and there has not been adequate sentencing. Special courts for slavery cases have been created and the judges took up office in December 2015. On December 31, 2015, two people were arrested and charged with practice of slavery. The association "Anti-Slavery International" appealed against their release on bail. For now, these two persons are still in prison.

The authorities are not willing to implement the law 2007-048, and furthermore, they may block cases from being reported. The victims do not feel they are protected and the masters are confirmed in their belief of impunity. In addition the agency "TADAMOUN" established by the Roadmap does not sufficiently support victims of slavery. The agency was supposed to but did not establish projects of integration for former slaves. The programs are predominantly intended for the fight against poverty, instead of focusing on victims of slavery.

Civil society organizations, such as those relatives to human rights and fight against slavery, are not supported by the government, as is illustrated by the imprisonment of Biram Dah Abeid, president of "IRA-Mauritania", Brahim Bilal Ramdane, vice-president of "IRA-Mauritania" and Djiby Sow, president of the organization "Kawtal". A large number of violent arrests of activists, who were peacefully demonstrating for the release of the three activists mentioned shows the determination to silence the voices of people fighting against slavery.

To conclude, this Roadmap is a step in fighting against slavery in Mauritania, which will be considered as effective and positive once it is properly implemented.

Recommendations

Society for Threatened Peoples calls on the Human Rights Council to urge the government of Mauritania to:

- Fully implement the "Roadmap to combat the consequences of slavery";
- Step up efforts to eradicate the continued practice of slavery through the new special tribunals for slavery;
- Provide more transparency in the work of the State, the jurisdictions and the Agency TADAMOUN;
- Encourage a greater participation of victims in making projects and decisions regarding their lives;
- Recognize that slavery still exists in Mauritania.

United Nations A/HRC/31/NGO/76

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02406(E)

Please recycle

Situation of the Oromo in Ethiopia

Society for Threatened Peoples is deeply concerned about the situation of human rights in Ethiopia's regional state of Oromia, after peaceful protests of the past months were met with excessive violence and increased, massive crackdown on the freedom of expression by the Ethiopian government.

The Oromia region is Ethiopia's largest federal state and comprises its single largest ethnic group, the Oromo, of which many live as farmers. Ethiopia's capital city Addis Abeba is situated in central Oromia. Although being the largest group in numbers, Oromo face constant discrimination and repression by the police and other authorities, which represent the small leading Tigray elite of Ethiopia. The government often treats Oromo to be anti-governmental and criminal as a rule. Arbitrary arrests without charge, baseless accusations, enforced confessions, threats, torture and other violations of human rights form a pattern of everyday oppression against Oromo.

In November 2015, Oromo students from universities and high schools started protesting peacefully against the government's "Addis Abeba Integrated Development Master Plan". The Master Plan intends to expand the capital city into the surrounding land, allegedly improving the infrastructure and economic possibilities in the region. The surrounding Oromo communities, however, fear they will be marginalized by this and limited in their rights even more. The government has not showed any interest to enter a dialogue with the Oromo on the issue or considered their interests, violating the Oromo's right of self-determination which is part of the Ethiopian constitution.

The Oromo, aware of years of on-going discrimination and land-grabbing, have opposed the "Master Plan" from the beginning as yet another means by the government to suppress the Oromo culture and diminish their political influence. Predating the current demonstrations, there have been protests against the Master Plan when it was first announced in spring 2014, leaving more than 40 people dead, as well as in March 2015.

The Master Plan being the straw that breaks the camel's neck, there are many other tensions that fuel the dissent of the Oromo people. Another important factor contributing to the uproar is the problem of land-grabbing. In Ethiopia, all land belongs to the government, and the oppressed minorities have faced brutal mass displacements in the past. The government sells the land for low costs to lure foreign investors into the country, sometimes even giving it away for free. Oromo farmers fear another wave of illegal and forceful evictions following the Master Plan, because it is aimed to suit the interests of the investors rather than those of the local people.

People who are displaced and evicted do not profit from such investments in any way; they are usually pushed into poverty and left with no remuneration for their losses. In the past decades, around 150,000 people have been robbed of their homes with little or no compensation.

The protests starting in November quickly erupted throughout Oromia, involving university students, high school students, farmers, artists and political leaders, exceeding previous protests by far. Frequent locations of demonstrations were, amongst many others: Adama University and Haramaya University and the cities of Ambo, Robe and Jimma. In the end of December, leading Oromo opposition figures and journalists were arrested, amongst others namely: Bekele Gerba, Deputy Chair of the oppositional *Oromo Federalist Congress* (OFC), Dejene Tafa, Vice Secretary of the OFC, Diribie Erga, resigned member of the Federal Parliament for OFC, as well as journalists like Getachew Shiferaw, Editor Chief of *Negere Ethiopia*, and Fikadu Mirkana of Oromo Radio and TV.

Until the first weeks of this year, at least 140 persons have been reported killed by governmental forces in the context of the Oromo protests. About 2,000 persons have been injured and an estimated number of 30,000 protesters are still imprisoned and at risk of being tortured for exercising their right of free speech.

In mid-January, a governmental party announced the Master Plan had been scrapped until a consensus would be reached. However, this raised little hope to the Oromo that their situation would improve in any way. The demonstrations continue still, despite the permanent brutal crackdown and excessive use of violence.

Human Rights Organizations like Amnesty International and Human Rights Watch have raised deep concerns about the situation of Oromo protesters and criticized the government's unlawful methods.

Society for Threatened Peoples therefore calls on the UN Human Rights Council to urge the Ethiopian government to:

- Conduct a thorough and independent investigation of human rights violations in the context of the Oromia protests, to sanction those responsible for disproportionate and excessive force and to provide effective remedies for the victims;
- Unconditionally release all peaceful protesters, journalists, opposition leaders and other political prisoners, and ensure they are not subjected to torture or other ill-treatment;
- Immediately cease forceful evictions of Oromo people and throughout Ethiopia;
- End all kinds of ethnical discrimination against the Oromo people end to ensure the right of the Oromo to freedom of political expression and self-determination, which are protected by the Ethiopian constitution and by international law.

United Nations A/HRC/31/NGO/77

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

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[12 February 2016]

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GE.16-02407(E)

Please recycle

Tightening of China's policy dealing with the freedom of the internet

Society of Threatened People is highly concerned about the severe tightening of the People's Republic of China's policy dealing with the freedom of the internet.

For years, China has tried to control what its citizens can or cannot access online. Tools like the "Great Firewall" and the more recently developed "Great Cannon" contributed to the insulation of the content which can be found by Chinese internet users.

As a consequence Chinese citizens have no access to material that could trigger social unrest. A recent example is the "Fishball Revolution" in Hong Kong, news about which cannot accessed in other parts of China.

In 2015, the Chinese surveillance apparatus even targeted the providers of virtual private networks which made up the last way to access the international World Wide Web. Since then the PRC is closer to a Chinese Intranet than ever before.

For journalists or bloggers, who do not comply with the law by self-censorship the government employs a diverse range of methods including dismissals, demotion, libel lawsuits, fines, arrests and forced television confessions.

Of 153 journalists held in detention worldwide in the year 2015, China held 23. Since 2012, the number of bloggers and other netizens detained for "cybercrimes" increased seriously. In August 2015 the Chinese police stated it had arrested about 15,000 people for crimes that "jeopardize Internet security".

In January 2016, rights activist Jang Haitao was sentenced to 19 years in prison for "inciting subversion of state power" and "probing and illegally supplying intelligence abroad". Jang operated merely online. His activities included the signing of a dissident petition and the providing of information to overseas media outlets like Radio Free Asia.

However, an increasing amount of citizens of the Xinjiang Autonomous Region fear suppression through online sources. In 2009, riots in the province capital Urumqi caused a shutdown of the internet for 10 months. In the following year saw an increasingly curtailed internet in Xinjiang.

The most recent development, caused by the terroristic attacks in Paris 2015, are police controls searching mobile phones of Uyghurs for religious content. Members of the traditionally Muslim minority switched to use simple cell phones instead of smartphones because no internet-based communication seems to be secure anymore.

The Chinese government aims for 'internet sovereignty'.

In 2013, the Central Leading Group of Cybersecurity and Information was founded. Moreover, the State Internet Information Office was renamed in Cyberspace Administration of China and empowered with regulating online content.

In June 2015, a new national security law was adopted. A core component of the law is to make all key network infrastructure and information systems "secure and controllable". First concerns were voiced by multinationals and industry groups, this imprecise formulation might be used to force companies to install backdoors and hand over source codes.

In December 2015 the Anti-Terrorism-Law was passed, according to which companies have to assist the government in carrying out terroristic investigations. The companies are required to provide "technical means of support" for anti-terror investigations, including decrypting data.

The two laws awake fears of both industrial espionage and international companies becoming an integral part in China's internet policy.

In December 2015, during the General Assembly of the United Nations, Chinese officials tried to convince other government to reach a consensus on a document which promoted a multilateral control over the internet. Also Chinese officials tried to delete phrases like "freedom of expression" or "democratic" in the draft form. Though in the final version, those phrases were still present China appeared satisfied that the document was recognized "a leading role" for governments in cybersecurity matters relating to national security.

In December 2015, China was host of the second World Internet Conference (WIC). President Xi Jinping and other high officials of the Chinese information sector promoted their ideas of multilateral internet governance and voted against the multi-stakeholder model. Criticism was voiced from non-governmental organisations such as "Reporters without Borders", regarding the legitimacy which is granted to the WIC (and thus the Chinese internet policy) by the presence of a leader in the tech industry such as the ICANN company's CEO, Fadi Chehade.

In 2014, China announced the implementation of a "social credit system" until 2020. The system is meant to "construct a social credit environment of sincerity, self-discipline, trust-keeping and mutual trust". Though no detailed information about methods are known, concerns are voiced about the government-approved pilot projects by Chinese companies. The most prominent one is "Sesame Credit" which is launched by the IT giant Alibaba and estimates credit worthiness. Citizens are judged not only by conventional financial criteria, but by their actions and associations.

Many experts fear that the Chinese government could implement a system which scores citizens according to all their actions including the actions of their friends. Low scores would thereby lead to disadvantages in daily life (e.g. on the job market). Naturally, the source of information was the internet. Such system represented the most thorough surveillance ever seen and would cause pressure without the need of executive forces.

Recommendations:
The status of the Internet as a free and independent medium must be restored. International rules shall be adopted which ensure that the power of the internet contributes to the well-being of the world's citizens and cannot be abused by nations to use them to suppress perceived dissent.

Society for Threatened People calls on the Human Rights Council to urge China to respect according legislations and to take firm steps to preserve the international community of the dangers of state sovereignty regarding the internet.

United Nations A/HRC/31/NGO/78

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02408(E)

Please recycle

Situation of the Lumad people in Mindanao, Philippines

Society for Threatened Peoples is watching the situation of the Lumads (indigenous peoples) in Mindanao, an island of the Philippines, with growing worry. Mindanao is one of the bigger islands in the South of the Philippines. It's the poorest island by far, although rich of mineral resources. While the Philippines are mainly Christian, Mindanao has the biggest number of indigenous peoples with their own religion as well as Moro Muslims. Marginalization and unequal land distinction started with colonialization by the Spanish and later the Americans. Mindanao's conflict is called one of the "long- forgotten wars". Right now there are different conflicts rising up or increasing on the island. As it is often the case, the minority of indigenous peoples is the one that suffering the most.

One problem is a conflict between the communist rebels with their armed wing, the New People's Army (NPA) and the Armed Forces of the Philippines (AFP), which is fought on the Lumad's land. As a counterinsurgency Operation Plan, President Aquino introduced OPLAN Bayanihan, which for the Lumads means a militarization of their communities. This does not mean the communities are any saver. Paramilitary groups like Alamara or Magahat- Baghani systematically kill human rights defenders, environment activists or civilians. Attacks on schools are particularly common and feared; the military is either watching the incidents or supporting the groups.

Bishop Odchimar told the Senate probe that there seems to be an "unholy alliance" between the military and the Magahat-Bagani.

On September 1st 2015, the school principal Emerito Samarca of the ALCADEV School in Surigao del Sur was killed by the paramilitary group Magahat/Bagani. Two "Datus" (influential indigenous community leaders) were also shot down, accused of belonging to or supporting the communist New People's Army, NPA. Two days prior to this incident, the paramilitary group burned down the school cooperative and threatened to massacre the entire community in case it wouldn't leave. Over 3,000 individuals evacuated to nearby municipalities. Soldiers were standing close by, watching and doing nothing. Unfortunately, this is only one example of many killings and incidents that are treated with impunity.

In a statement issued on Nov. 14, Rius Valle, the spokesperson of Save Our Schools Network said their group documented 95 cases of attacks on schools reportedly by soldiers and paramilitary men all over Mindanao since September 2014, or more than 400 cases in the entire time of the Aquino presidency since 2010.

A recent report concludes that with 31 killings in 2015, the Philippines are second worldwide in terms of killings of human right defenders.

On 17th January, 2016, Alibando Tingkas, a 15 year old boy on his way home from the Salugpogan school in Talaingod was shot by Joven Salangani, member of the paramilitary group "Alamara". This is the 29th child victim under the counterinsurgency plan "Oplan Bayanihan" of President Benigno Aquino III. These deaths demand an independent investigation. The murder of human rights defenders, environmental activists and civilians should not be treated with impunity any longer.

Besides the killings, there are more than 700 political prisoners in the Philippines at the moment, many of them Lumad.

Especially worrying is that there is an obvious connection of the extrajudicial killings and economic interests into Mindanao's rich soils and mineral resources by (mostly foreign) mining, logging and plantation agriculture companies. Unfortunately the land they are focusing on is the ancestral land of the Lumad. When indigenous people opposed these large operations on their lands, the conflicts with the security forces paid for by the mining companies have resulted in deaths and loss of ancestral lands. Ola Almgren, UN Resident and Humanitarian Coordinator in Manila, likewise cited the link between the exploitation of natural resources and the human rights violations against the Lumads.

Out of fear of attacks, thousands of Lumad families all over the island leave their communities and flee to evacuation camps in the cities. The situation on the camps is really bad. Health conditions are insufficient and 10,000s are sick. In March 2015, a four year old boy died in the evacuation center Minguindanao due to bad health conditions. People don't

know where to go when asked to leave the camps again, as they don't see their communities as safe enough. While the communities are in evacuation, the deprivation of the ancestral lands of the Lumads doesn't stop. Companies start putting machines to the chosen spot while nobody can protect their properties.

Large scale mining open- pit mining is still not forbidden in the Philippines and especially destructive for the environment. In small-scale mining the toxic mercury is still in use as well as under water mining. In the agriculture industry very toxic insect pesticides are used. This is dangerous for the environment as well as for the peoples working for these companies. The working day is too long and the payment not enough. Child work is happening in both industries. The pollution of the waters through toxic mine wastes has an impact on the entire island and the peoples living there.

The further destruction of the once even more rich and diverse environment is particularly striking, as Mindanao has problems with climate change-induced phenomena already. Right now there is a terrible draught due to the increase of El Nino and the changed water ways on the island due to watering of the big plantations and mining. Again, farmers (many of them Lumads) are the victims. With the destruction of the environment, the culture of the Lumads is dying as well, as it is sourced in their ancestral lands.

Another conflict that is fought in Mindanao and therefore problematic for the Lumads, is the religious conflict between Christians and Muslims. Since the Bangsamoro Basic Law, BBL was denied, insurgencies from the Moro Islamic Liberation Front, MILF and Bangsamoro Islamic Freedom Fighters, BIFF are rising up again and the peace process is challenged once more. The 2012 Framework Agreement on Bangsamoro, FAB and 2014 Comprehensive Agreement on Bangsamoro, CAB have not been followed. MILF and other Islamic groups criticize that the Basic Law on Bangsamoro Autonomous Region BLBAR which is offered to come into force instead, actually means less autonomy than the Autonomous Region for Muslim Mindanao, ARMM, which was the previous regulation. Therefore, they declared to oppose new negotiations as they still count on the CAB that determines the BBL to come into force in January 2016.

We think it is especially urgent to discuss this topic as there are elections in the Philippines on May 10th. It is important that the government is reminded by the international community of its obligation regarding human right violations like extrajudicial killings and disregard of indigenous peoples (land) rights. The Lumads need to have a voice during the election campaigns. Their cry for help cannot be ignored any longer.

Recommendations:
Society for Threatened Peoples calls on the Human Rights Council to urge the government of the Philippines to:

- To support the Lumads' first demand, that is to pull out military troops from their communities;

- To disband and disarm the paramilitary groups so that the indigenous peoples can return from the evacuation camps into their communities where they have the possibility to life their culture and for being independent and self-sufficient through farming.

- Restrict the Rights for foreign large- scale open pit mining and similar environment destructive economies. Land grabbing and human right violations of these companies cannot be accepted any longer. Instead, laws for the protection of the environment have to be introduced.

- Provide for an independent investigation of the extrajudicial killings.

- Improve the working conditions on the Philippines have to ameliorate. Especially child labor has to be abolished. Child labor is a sign for great poverty. The roots for this poverty have to be addressed.

United Nations A/HRC/31/NGO/79

General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02409(E)

Please recycle

The situation of the Hmong people in the Lao People's Democratic Republic

International Educational Development, Inc. and the Association of Humanitarian Lawyers have been concerned for some time about the dire situation of the Hmong people in the Lao People's Democratic Republic (hereinafter Laos). Our home state California has welcomed tens of thousands of the Hmong refugees who first began to flee Laos at the end of the Vietnam War and who continue to flee, seeking asylum due to persecution and other gross violations of human rights. The Hmong people still in Laos are at grave risk of extermination. There are now new threats that we wish to bring to the Council for appropriate action.

As we set out in our written statement A/HRC/30/NGO/123, the Hmong people in Laos have as their traditional homeland the areas in and around what was known as the Ho Chi Minh Trail and their difficulties with the Laotian authorities began because the Hmong people's army supported the United States during the Vietnam War. In 1975 the Pathet Lao took over Laos after the fall of Saigon and the new Laotian government vowed to wipe out the Hmong in a planned program of both extermination and ethnic cleansing. Thousands of Hmong people fled and the United States began accepting Hmong refugees. By 2010 there were nearly 250,000 Laotian Hmong in the United States and only about 450,000 left in Laos. Hmong still in camps in Thailand are at constant risk of forcible repatriation to Laos by Thailand: in 2009 4,000 Hmong were forcibly deported to Laos.[1] Even Hmong people granted refugee status in third countries were not allowed to leave Thailand for them but instead were placed in detention pending repatriation to Laos.[2] We also noted that the Committee on the Elimination of Racial Discrimination (Committee) raised serious concerns about the situation of the Hmong people in Laos since 2003 when it invoked its early warning and urgent action procedures. Concerns and recommendations were also prominent in its review of Laos, especially at its review in 2012.[3] We also noted that Laos had its Universal Periodic Review in 2014/2015, with the report (A/HRC/29/7/Add.1) adopted on 23 June 2015. Concerns regarding the Hmong were raised by treaty bodies, especially the CERD Committee.[4] The CERD Committee noted that the responses it requested in 2013 regarding violence against the Hmong were unfulfilled. It indicated that it had raised allegation of serious actions against the Hmong since 2003, and that it placed the situation under its early warning and urgent action procedures, to no avail. A joint statement (JS4) was submitted by two non-governmental organizations and referred to in the Summary (A/HRC/WG.6/21/LAO/3 (20 October 2014). This statement identified the crisis situation of the Hmong people, especially the starvation and lack of basic medical supplies and the forced repatriation of refugees from neighboring countries.

The Hmong people, especially those in the jungles of the Phou Bia area, (also known as Saysomboun Special Zone or Saysomboun province) face constant military actions against them as they are still considered the enemy. As a consequence they are forced to relocate and hide on a continual basis. Food and medicine are in short supply as the Laotian authorities have a blockade on these items Because of the constant moving there are no stable places of residence and even temporary structures are destroyed by the Lao forces. Agriculture is difficult if not impossible, compounding the serious food shortages due to the blockades and when the Lao forces find fruit tree or crops they destroy them. This is a crime against humanity as set out in Article 7 (1)(b) and (2)(b) of the Rome Statute that identify creating conditions of life that are extremely difficult and the denial of food and medicine as elements of the crime of extermination.[5]

Hmong children are at particular risk of loss of life and serious, permanent physical conditions. In April 2011 the Committee on the Rights of the Child considered the malnutrition and high incidence of wasting disease in the rural areas where the Hmong are an emergency situation. Since that alert, there has been no change in the situation of Hmong

[1] B. Doherty, "Thailand begins deportation of more than 4,000 Hmong asylum seekers," www.theguardian.com/world/2009/dec/28/Thailand-deportation-Hmong-Laos.

[2] W.L. George, "Hmong Refugees Live in Fear and Laos in Thailand, *Time*, 24 July 2010.

[3] Concluding observations (2012) CERD/C/LAO/CO/16-18 (24 March 2012).

[4] The Compilation report is A/HRC/WG.6/21/LAO/2.

[5] The Lao People's Democratic Republic has not ratified the Rome Statue or Regulations, but we refer to its previsions to underscore the gravity of the offenses by the authorities against the Hmong people.

children. In June 2015, the Committee to the Optional Protocol to the Convention on the Rights of the Child involving children in armed conflict made many recommendations in regards to serious shortfalls in Laotian compliance.[6]

From 1975 to 2015 the Laotian government concentrated its intentions to exterminate or ethnically cleanse the Hmong people to the jungle areas of the Saysomboun Special Zone and some Hmong community leaders in the city or villages. But from September 2015 to the present time, they have also focused on the Hmong in the cities in that zone, with a reported 200 Hmong killed and scores more wounded. Killings also take place on their farms, inside their homes, and on the roads ways to and from their farms. For example, in January 2016 a Hmong woman was killed while she went out to feed her pigs nearby her house and a Hmong boy was killed while he walked to school. Many Hmong have been arrested were arrested and disappeared after the incidents and no one can ask any questions. The Laotian authorities foster the idea that Hmong from the jungle areas are doing the killing, but this does not make sense -- we are in contact with Hmong people in the area and they report that clearly the Laotian authorities are to blame.[7]

Conclusions and recommendations

It is patently clear that the Laotian authorities have no intention of adequately addressing the situation of the Hmong people. It is also clear that action by United Nations bodies to date continues to be grossly inadequate to address the extremely serious situation of the Hmong people in Laos. Laos has not allowed on site investigations and without such investigation, it is difficult to formulate effective action and get an effective plan implemented. The treaty bodies can only issue early warnings and urgent actions, but there has to be an effective action in response. The UPR process can serve to illustrate or identify violations, even serious ones, but it alone is not an action procedure. The International Committee of the Red Cross can undertake relief efforts, but in this case are restrained from doing so by the relevant authorities.

We again recommend the following actions that should be undertaken:

1. The international community should invoke the Responsibility to Protect (R2P) mechanisms as soon as possible.
2. The Secretary-General should consider action on this situation such as encouraging or instigating independent investigation.
3. The relevant mandate holders of the Council, including those addressing summary execution, disappearances, torture, internally displaced persons, health, food, water and sanitation, arbitrary detention, human rights defenders, truth, and minority issues should request on site visits to the Hmong areas in Laos, either alone or in concert.
4. Given that nearly all special procedures are highly relevant to the situation in the Hmong areas of Laos, the Council should consider requesting the High Commissioner to undertake action, including establishing a team of inquiry as has been established in other situations. In the alternative, the Council should establish its own committee of inquiry or appoint a special rapporteur or independent expert.

Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

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[6] See, CRC/C/OPAC/Lao/CO/1 of 3 June 2015. We note that this document is still in the Advanced Edited version.
[7] We have the names and particulars of many of the persons killed but for security reasons cannot mention them.